IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1568 OF 2003

The State of Maharashtra ...Appellant

vs.

Draupadi Kanta Mhatre ...Respondent

Mr.U.V.Nikam, A.P.P. for the Appellant
Ms P.V.Badalgre i/b Mr.B.G.Tangsali for the Respondent

CORAM: A.S.OKA,J.
DATE : OCTOBER 4,2006.

P.C.:

1. Heard learned A.P.P. appearing for the Appellant on the prayer for grant of leave. The acquittal of the Respondent is for offences under sections 448 and 427 of the Indian Penal Code.

2. The allegation of the complainant was that he was a tenant in respect of the Gala No.2 of which the Respondent-accused herein is the landlady. According to the first informant, on 11th June 1998, when he was at his native place for a vacation, the Respondent broke open the lock of Gala No.2 and removed the articles inside the Gala No.2.

3. The first informant obviously has no personal knowledge about the alleged offence. However, none of the alleged eye witnesses have supported the first informant and all that the witnesses have stated is that the Respondent is in possession of the said Gala. There is a gross delay in recording the

Panchnama. The view taken by the learned Trial judge is a possible view which could have been taken on the basis of the evidence on record.

4. No case is made out for grant of leave. Prayer for leave is rejected. Appeal is dismissed.

JUDGE